

DOMESTIC VIOLENCE
DEFERRED JUDGMENT INFORMATION SHEET

If you have been charged with a crime involving domestic violence, you may be eligible for consideration for the City of Wichita Deferred Judgment Program if:

You have never been convicted of such a crime, or a similar crime in this or any jurisdiction on or after March 1, 1990.

You have never participated in a Diversion or Deferred Judgment Program for a similar offense.

You must apply for Deferred Judgment within 30 days from your initial appearance for a crime involving domestic violence, and pay the \$25.00 non-refundable application fee.

For the purposes of this Deferred Judgment program, a crime involving domestic violence is defined as set forth in Section 1.06.010(e) of the Code of the City of Wichita:

" . . . crimes involving any harmful contact or the threat thereof between family or household members or unmarried couples, including the destruction of property or the threat thereof as a method of coercion, control, revenge or punishment."

If your application for Deferred Judgment is accepted, you must enter a plea of guilty to the charge(s) against you. The City will then ask the court to defer judgment and sentence on that plea for a period of one year. In return, you must do the following:

1. PAY ALL COSTS, FEES AND FINES:

Fine.....	\$ 100.00
Deferred Judgment Fee.....	\$ 225.00
Application Fee.....	\$ 25.00
Court Costs.....	<u>\$ 60.00</u>
TOTAL	\$ 410.00

You will be responsible for all additional court costs incurred
during the course of your case.

2. Agree to waive your constitutional rights to a formal arraignment, speedy trial and a jury trial on the charges against you.
3. Attend and successfully complete the counseling program set out for you by the Deferred Judgment Officer.
4. Agree to abide by whatever additional conditions the City Attorney or the Deferred Judgment Officer feels appropriate.

Application forms for Deferred Judgment are available in the Municipal Court Clerk's Office – 2nd floor, City Hall, 455 North Main - and must be filed with the same office. At the time you file your application, you will be given a date for a Deferred Judgment evaluation and conference with the Deferred Judgment Officer, as well as a date to appear in court. You **MUST** attend this conference if you wish to be considered for the program. Failure to attend the conference on time will result in the denial of your application for Deferred Judgment.

In considering whether the defendant should be placed in the Deferred Judgment program, the City Attorney shall consider the following factors:

1. The nature of the crime charged and the circumstances surrounding it;
2. Any special characteristics or circumstances of the defendant;
3. Whether the defendant is a first-time offender and if the defendant has previously participated in any

diversion or deferred judgment program in any jurisdiction;

4. Whether there is a probability that the defendant will cooperate with and benefit from the deferred judgment program;
5. Whether the available deferred judgment program is appropriate to the needs of the defendant;
6. Impact of the deferred judgment of the defendant on the community;
7. Recommendations, if any, of the involved law enforcement agency;
8. Recommendations, if any, of the victim;
9. Provisions for restitution;
10. Any mitigating circumstances;
11. Recommendations of the deferred judgment officer;
12. Severity of injuries to victim;
13. Prior psychological, psychiatric and chemical treatments or counseling programs;
14. Criminal history;
15. The interest of justice.

If you successfully complete the Deferred Judgment program, after one year, you may make a motion to the Municipal Court to withdraw your plea of guilty to the charges against you. At that time the City Attorney will dismiss the charges with prejudice. If you fail to complete the requirements of Deferred Judgment or violate any of the terms of the Deferred Judgment agreement, the City Attorney will request a hearing at which time he or she will ask the Court to remove you from the program. If after hearing the evidence, the Court does remove you from the program, the Court will then proceed to impose judgment and sentence against you based upon your prior plea of guilty.